

From: [Fugh, Justina](#)
To: [Henry, Tala](#); [Hartman, Mark](#); [Tyler, Tom](#); [Hanley, Mary](#); [Le, Madison](#)
Subject: Ethics advice concerning your invitation to the ELI annual awards dinner and fundraiser
Date: Thursday, September 2, 2021 1:43:00 PM

Hi there,

OGC/Ethics understands that you have received or will soon receive an invitation from the Environmental Law Institute (ELI) to be its guest at its annual awards dinner to be held in person at and streamed virtually this year on October 19, 2021 from the Omni Shoreham Hotel in Washington, DC. I am writing to confirm that, if you decide to attend this event in person or virtually, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch.

This event qualifies for the Widely-Attended-Gathering gift exception and the donor is not a federally registered lobbyist. Even if you are a political appointee, you may still accept this invitation if you wish. OGC/Ethics determines that your attendance at the event is in the Agency's interest because it will further agency programs and operations. Should you attend this event, you will NOT be required to report this as a gift on your financial disclosure report form because the gift is valued at \$210, which is BELOW the reporting threshold.

This approval applies only to invitations from ELI itself. Any invitations from other sources will require separate determinations by either OGC/Ethics or the appropriate Deputy Ethics Official. This determination covers you only -- the invitation is not transferable and is not intended for more than just one attendee.

Acceptance of Free Attendance to a Dinner and Fundraiser (WAG rule)

The gift offered is an evening reception and dinner sponsored by ELI. Because the organization is offering you a complimentary ticket, we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you because of your official position. In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance if you wish to attend.

Limitations Due to the Fundraiser Event

Please note that this event is a fundraiser. Therefore, ELI cannot use or reference your official

position or title or any authority associated with your public office in furtherance of the fundraising effort. You may not actively or visibly participate in the promotion, production, or presentation of the event, which means that you cannot sit at a head table nor stand in a receiving line. We have confirmed with ELI that you will be placed by ELI and not seated at the request of any sponsoring entity that has bought a table.

Please let me know if you have any questions.

Regards,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)
To: [Arroyo, Victoria](#); [Elman, Barry](#); [Engelman-Lado, Marianne](#); [Payne, James \(Jim\)](#); [Uhlmann, David](#); [Carbonell, Tomas](#); [Giles, Cynthia](#); [Hartman, Mark](#); [Henry, Tala](#); [Hoffer, Melissa](#); [Le, Madison](#); [Marks, Matthew](#); [Messina, Edward](#); [Schmidt, Lorie](#); [Shaw, Nena](#); [Starfield, Lawrence](#); [Waterhouse, Carlton](#)
Subject: Ethics advice concerning your invitation to the ELI annual awards dinner and fundraiser
Date: Friday, September 23, 2022 9:32:00 AM

Hi there,

OGC/Ethics understands that you have received or will soon receive an invitation from the Environmental Law Institute (ELI) to be its guest at its pre-ceremony reception and annual awards dinner to be held in person (the dinner will also be streamed virtually) on October 25, 2022 from the Omni Shoreham Hotel in Washington, DC. I am writing to confirm that, if you decide to attend this event in person or virtually, you may do so consistent with the Standards of Ethical Conduct for Employees of the Executive Branch.

This event qualifies for the Widely-Attended-Gathering gift exception and the donor is not a federally registered lobbyist. Even if you are a political appointee, you may still accept this invitation if you wish. OGC/Ethics determines that your attendance at the event is in the Agency's interest because it will further agency programs and operations. Should you attend this event, you will NOT be required to report this as a gift on your financial disclosure report form because the gift is valued at \$300, which is BELOW the reporting threshold.

This approval applies only to invitations from ELI itself. Any invitations from other sources will require separate determinations by either OGC/Ethics or the appropriate Deputy Ethics Official. This determination covers you only -- the invitation is not transferable and is not intended for more than just one attendee.

Acceptance of Free Attendance to a Dinner and Fundraiser (WAG rule)

The gift offered is an evening reception and dinner sponsored by ELI. Because the organization is offering you a complimentary ticket, we must analyze it according to the gift rules. Generally, federal employees are prohibited from accepting gifts given because of their official position or given by a prohibited source (typically, a person either regulated by or seeking to do business with the EPA). In this instance, the gift of free attendance is offered to you because of your official position. In analyzing the situation, we determined that the WAG exception is available because the reception will be widely attended, there will be a diversity of views represented, and there is an opportunity for the exchange of ideas. In order to utilize this gift exception, OGC/Ethics must also make a written determination that we believe your attendance is in the Agency's interest. We do, in fact, conclude that there is an Agency interest in your attendance if you wish to attend.

Limitations Due to the Fundraiser Event

Please note that this event is a fundraiser. Therefore, ELI cannot use or reference your official position or title or any authority associated with your public office in furtherance of the fundraising effort. You may not actively or visibly participate in the promotion, production, or presentation of the event, which means that you cannot sit at a head table nor stand in a receiving line. We have confirmed with ELI that you will be placed by ELI and not seated at the request of any sponsoring entity that has bought a table.

Please let me know if you have any questions.

Regards,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 | phone 202-564-1786

Message

From: Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]
Sent: 2/18/2021 10:33:25 PM
To: Sherlock, Scott [Sherlock.Scott@epa.gov]
Subject: RE: OGE-450 v SF-278

She's been removed. All set.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432 | [Visit us online!](#)

My current schedule: Monday through Friday, 8:30am to 5pm.

From: Sherlock, Scott <Sherlock.Scott@epa.gov>
Sent: Thursday, February 18, 2021 5:33 PM
To: Ross, Margaret <Ross.Margaret@epa.gov>
Subject: FW: OGE-450 v SF-278

From: Le, Madison <Le.Madison@epa.gov>
Sent: Monday, February 01, 2021 9:49 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Sherlock, Scott <Sherlock.Scott@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: RE: OGE-450 v SF-278

Thanks, Justina for the follow up.

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, February 1, 2021 9:44 AM
To: Le, Madison <Le.Madison@epa.gov>
Cc: Sherlock, Scott <Sherlock.Scott@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Subject: RE: OGE-450 v SF-278

Hi Madison,

Since you are now career SES, you file the public financial disclosure report. You no longer meet the definition of "confidential filer" for the DEO, so Mark and Scott should have already removed you from their BAP registration. OGC/Ethics can't do that for them. You'll be assigned your incumbent public financial disclosure report through INTEGRITY later this week. We usually push it out in January, but with all of the transition activity (outgoing termination reports and incoming new entrant reports), we delayed adding more filers to the mix.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Le, Madison <Le.Madison@epa.gov>
Sent: Monday, February 01, 2021 7:40 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: OGE-450 v SF-278

Good morning Justina,

Scott Sherlock, OCSPP ethics official advised that I check with you if I need to submit both the OGC-450 and the SF-278. I received the link to the OGC-450 and completed it. When it was routed to Scott, he flagged it and reached to me with further guidance. He stated that I expect to receive the SF-278 form (likely from you) in May and he will ask for me to removed from the OGC-450 list. If this is all correct, please me know and I'll work with Scott to withdraw my 450 submission. Thanks.

Madison H. Le
Division Director
New Chemicals Division
USEPA/OCSP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From:[Fugh, Justina](#)**To:**

Adams, Elizabeth; Amon, Dan; Ankley, Gerald; Aunkst, Dana; Avila, Aaron; Badalamente, Mark; Ballotti, Doug; Barber, Delores; Barmakian, Nancy; Barnett, Henry; Barolo, Mark; Barr, Pamela; Battin, Andrew; Behl, Betsy; Benjamin-Sirmons, Denise; Bergstrand, Paul; Best-Wong, Benita; Binder, Bruce; Birnbaum, Rona; Biro, Susan; Blake, Wendy; Blancato, Jerry; Blevins, John; Bloom, David; Boddu, Veera; Bohan, Suzanne; Bonanno, Gale; Bourbon, John; Breen, Barry; Brennan, Thomas; Brincks, Mike; Briskin, Jeanne; Buckley, Timothy; Buhl, Rick; Bunker, Byron; Burneson, Eric; Busterud, Gretchen; Campbell, Jennie; Canzler, Erica; Caro, Vique; Carpenter, Wesley; Cascio, Wayne; Charmley, William; Cherry, Katrina; Chu, Ed; Clanton, Michael; Clark, Becki; Coleman, Charlotte; Conklin, Jeanne; Coogan, Daniel; Coughlin, Christine; Cozad, David; Crossland, Andy; Crossland, Ronnie; Dalbey, Matthew; Daly, Carl; Dawes, Katherine; Dawson, Jeffrey; DeLeon, Rafael; Diaz-Sanchez, David; Dierker, Carl; Dombrowski, John; Dorka, Lilian; Douchand, Larry; Drake, Kerry; Dufour, Alfred; Dunham, Sarah; Dutton, Steven; Echeverria, Marietta; Edwards, Jonathan; Epley, Brian; Epp, Timothy; Esher, Diana; Eubanks, Kristy; Evangelista, Pat; Fernandez, Cristina; Fine, Steven; Fisher, Bill; Fong, Tera; Frazer, Brian; Freeman, Caroline; Fugh, Justina; Garcia, David; Garland, Jay; George, Elizabeth; Gettle, Jeaneanne; Gillespie, Andrew; Gilliland, Alice; Goodin, John; Goodis, Michael; Goss Eng, Alison; Grantham, Nancy; Gray, Linda; Gray, Richard; Greene, Mary; Grifo, Francesca; Grundler, Christopher; Guerrero, Carmen; Guilaran, Yu-Ting; Guiseppi-Elie, Annette; Gullett, Brian; Gunning, Paul; Gutierrez, Sally; Gwinn, Maureen; Hagler, Gayle; Hamjian, Lynne; Hamlin, Tim; Harris, Michael; Hart, Debbi; Hartman, Mark; Haugen, David; Helm, Arron; Hengst, Benjamin; Henry, Tala; Hill, Randy; Hisel-McCoy, Sara; Hitchens, Lynann; Hoff, Dale; Holt, Kay; Hoskinson, Carolyn; Hubbell, Bryan; Huffman, Diane; Hughes, Hayley; Humphrey, Leslie; Hunt, JuanCarlos; Iglesias, Ariel; Jackson, Yvette; Jernberg, Jorianne; Johnson, Arthur; Jones, Samantha; Jones-Peeler, Meshell; Jordan, Deborah; Judson, Richard; Kaczmarek, Chris; Kadeli, Lek; Kamen, Mara; Kaplan, Robert; Kasman, Mark; Keeley, Ann; Keigwin, Richard; Kelley, Rosemarie; Kemker, Carol; Kenny, Shannon; Kloss, Christopher; Knudsen, Thomas; Koerber, Mike; Korleski, Christopher; Koslow, Karin; Kowalski, Edward; LaPosta, Dore; Lassiter, Penny; Lattimore, Craig; Laureano, Javier; Layne, Arnold; Le, Madison; Lee, Charles; Legare, Pamela; Leonard, Paul; Li, Beverly; Libertz, Catherine; lindsay.nancy@epa.gov; Lloyd, David; Lowery, Bried; Lowit, Anna; Lupinacci, Jean; Lynch, Mary-Kay; Mackey, Cyndy; Maguire, Charles; Maher, Karen; Manning, Tonya; Martiyan, Stefan; Mathias, Scott; Mathur, Rohit; Matuszko, Jan; May, Benjamin; Mazakas, Pam; McCluney, Lance; McDonald, James; McGartland, Al; McGuire, Karen; McGuire, James; McLain, Jennifer L.; McManus, Catharine; Melvin, Karen; Messina, Edward; Miller, Anthony; Miller, Wynne; Miller, Amy; Monell, Carol; Mooney, John; Moraff, Kenneth; Mosby, Jackie; Mottley, Tanya; Mugdan, Walter; Munns, Wayne; Myrick, Pamela; Nagle, Deborah; Nam, Ed; nesci.kimberly@epa.gov; Neugeboren, Steven; Newton, Cheryl; Nguven, Duch; Nichols, Tonya; Nickerson, William; Nicolosi, Laura; Noga, Vaughn; O'Brien, Kathy; O'Connor, Darcy; Ohanian, Edward; Olson, Bryan; Opalski, Dan; Osinski, Michael; Pace, Donald; Packard, Elise; Palmer, Leif; Patlewicz, Grace; Patrick, Kimberly; Payne, James (Jim); Pease, Anita; Perez, Marc; Peterson, Mary; Pirzadeh, Michelle; Pollins, Mark; Price-Fay, Michelle; Quast, Sylvia; Reaves, Elissa; Reed, Khesha; Richardson, RobinH; Roache, Brendan; Robbins, Chris; Robichaud, Jeffery; Rodan, Bruce; Rodrigues, Cecil; Ross, Mary; Rowson, David; Ruvo, Richard; Salyer, Kathleen; Sams, Reeder; Sanders, Amy; Sasser, Erika; Sasseville, Sonya; Sawyers, Andrew; Sayles, Gregory; Schefski, Kenneth (KC); Scheraga, Joel; Schmidt, Lorie; Scott, Jeff; Scozzafava, MichaelE; Seager, Cheryl; Serassio, Helen; Shah, Imran; Shapiro, Andy; Shaw, Betsy; Sheehan, Charles; Shields, Edward; Simon, Harvey; Simon, Karl; Simon, Nigel; Singh, Amar V.; Singletary, DeAndre; Skelley, Dana; Smidinger, Betsy; Smith, Mark A.; Smith, Charles; Speth, Thomas; Srinivasan, Gautam; Stalcup, Dana; Stanich, Ted; Starfield, Lawrence; Steenbock, John; Stein, Kathie; Stein, Raffael; Strong, Jamie; Szaro, Deb; Talbert-Duarte, Angelia; Tapia, Cecilia; Tapp, Joshua; Taylor, Jessica; Tejada, Matthew; Tellis, Vickie; Terada, Calvin; Terris, Carol; Thayer, Kris; Thomas, Deb; Thomas, Russell; Thompkins, Anita; Thornhill, Alan; Tomiak, Robert; Torres, Tomas; Trimble, Katherine; Tsirigotis, Peter; Updike, David; VanDrunick, Suzanne; Veal, Lee; Viswanathan, Krishna; Vogel, Dana; Wall, Tom; Walsh, Ed; Watkins, Tim; Wayland, Richard; Weber, Rebecca; Wells, Jeffrey; Wells, Krysti; Werner, Jacqueline; Whung, Pai-Yei; Widawsky, David; Williams, Antony; Williams, Maria; Williamson, Anahita; Wood, Anna; Wood, Robert; Wooden-Aguilar, Helena; Wright, Stephanie L.; wyatt.marc@epa.gov; Zapata, Cesar; Zartarian, Valerie; Zepp, Richard

Subject:

News about your upcoming financial disclosure filing requirement

Date:

Sunday, January 23, 2022 9:06:00 PM

Attachments:

[Advisory to all 278 filers about filing fee.pdf](#)
[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

Hi there,

As you are undoubtedly – and perhaps even painfully -- aware, you are in a position (either acting or permanently) that requires you to file the public financial disclosure report (also known as the 278). This year, we will be assigning your incumbent reports to you *in late February*, so not as early as in previous years. Your due date will be May 16 (because 5/15 is a Sunday), and the reporting period for your incumbent report will be CY 2021 only. But, hey, since I have your attention, allow me to share some important reminders about 278s:

- *Did you know?* EPA was among the first federal agencies to adopt INTEGRITY, the electronic financial disclosure filing system. We've been using it since 2015. Government-wide, there are now more than 35,000 users of this system. At EPA, we typically have more than 250 public filers at any time.

- *Remember about periodic transaction reporting!* You are required to report any transactions of stocks or bonds more than \$1000 within 30 days after receiving notice but not later than 45 days after the trade itself. Do so by filing a 278T in INTEGRITY. If you are late, then you are subject to an automatic late filing fee of \$200 for missing the deadline. Attached is our reminder about late filing fees as well as a chart about transaction reporting. Alas, last year, we had to fine more than half a dozen people for late transaction filings.
- *Whom should you contact with questions?* Four of us in OGC/Ethics review 278s, so here's the list of contacts for you:

OGC/Ethics	ORGANIZATIONS
Victoria Clarke	OIG, OGC, OMS, OW, Regions 3 and 4
Justina Fugh	AO, OCFO, OITA and Regions 8, 9 and 10
Shannon Griffo	OAR, OCSPP, OECA and Regions 1 and 2
Ferne Mosley	OLEM, ORD and Regions 5, 6 and 7

Thanks for your attention to ethics issues, and we know you're eagerly anticipating the start of the public financial disclosure reporting season later in February!

Cheers,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)¹ and Periodic Transaction Reports (OGE 278-Ts).² Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).³ Unpaid late fees are subject to the Agency's⁴ and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at ethics@epa.gov.

¹ See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

² Pub. L. 112-105 § 11 (STOCK Act).

³ See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

⁴ See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports ⁵	The earlier of 30 days after learning of a transaction or 45 days of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov, to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.⁶

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

⁵ See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

⁶ In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

When to Report Transactions

FILING DEADLINE : 30 days from notification or 45 days from transaction *whichever is earlier*

A \$200 late filing fee penalty is assessed for each late periodic reporting period¹

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Investment assets held by you, your spouse, or jointly held		
• Stocks or stock options	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• Commodity futures	Yes	Yes
• Other investment securities	Yes	Yes
• Assets listed above in your individual, joint, or spousal brokerage accounts managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Stocks	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• commodity futures	Yes	Yes
• other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> or UGMA brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ²
• Mutual funds, exchange traded funds, 529 plans, index funds, and/or other "excepted investment funds" ³	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals) or certificates of deposit	No	No
• Money market accounts and mutual funds	No	No
• US Treasury securities (e.g., T bills, Treasury bonds, savings bonds)	No	No
• Federal government retirement accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ⁴	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

Last updated November 2020

¹ This late fee is automatically imposed by law and is non-negotiable. You may request a waiver of any late filing fee from the Designated Agency Ethics Official or the Alternate DAEO if there are extraordinary circumstances. A fee waiver is at the sole discretion of the DAEO/ADAEO and is not subject to appeal. A filer who has unpaid late fees will be referred to the appropriate federal office or agency for debt collection procedures.

² Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

³ To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

⁴ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.

[illegible]

From: [Fugh, Justina](#)
To: [Le, Madison](#)
Subject: RE: Integrity.gov Report Returned
Date: Wednesday, June 24, 2020 5:48:00 PM

I thought so, but doesn't hurt to verify.

-----Original Message-----

From: Le, Madison
Sent: Wednesday, June 24, 2020 1:17 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Integrity.gov Report Returned

Office of Temperature and Air Quality in OAR.

Madison H. Le
Division Director
Chemical Control Division
USEPA/OCSPP/OPPT
Direct: 202-56-4575
Cell: 202-507-3062

-----Original Message-----

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, June 24, 2020 8:08 PM
To: Le, Madison <Le.Madison@epa.gov>
Subject: RE: Integrity.gov Report Returned

In what office did you see the Center Director Fuel Compliance Policy Center? I'll add that for you.

-----Original Message-----

From: Le, Madison
Sent: Wednesday, June 24, 2020 3:33 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Integrity.gov Report Returned

I've updated the form. Added the (b) (6) but changed the year. Nothing else was changed.

Thanks for a little help on this and thank you for providing another extension. I will make sure I meet the annual deadline filing.

Madison H. Le
Division Director
Chemical Control Division
USEPA/OCSPP/OPPT
Direct: 202-56-4575
Cell: 202-507-3062

-----Original Message-----

From: Integrity.gov <notifications@integrity.gov>
Sent: Wednesday, June 24, 2020 3:17 PM
To: Le, Madison <Le.Madison@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Integrity.gov Report Returned

Justina Fugh requests that you amend your 2020 New Entrant Report filed 6/2/2020. You have 1 day to make the changes and submit the report back to us. Go to https://geo01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fintegrity.gov%2F&camp=data-02%7C01%7CFugh.Justina%40epa.gov%7C636d66c32-hla-6d086818788829%7C88b378b367-8-867ac976aacbecaf6%7C0%7C0%7C637286266122171958&camp_sdata=N%2Bxxa7ObaJGD%2FNNw%2BWFadRg5j6%2BxaUag37WOUcu3g%3D&camp_reser=ed-0 and scroll through your report to find entries that have check marks beside them. Click on the " " button to see our comments or questions. After you make the necessary changes, go to the end of the report to hit the submit button. Otherwise, your report will stay with you instead of coming to us.

If you have any questions and a note to ethics@epa.gov. For additional guidance, see https://geo01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww2.epa.gov%2FWeb%2F2786Guide.nsf&camp=data-02%7C01%7CFugh.Justina%40epa.gov%7C636d66c32-hla-6d086818788829%7C88b378b367-8-867ac976aacbecaf6%7C0%7C0%7C637286266122171958&camp_sdata=LpQqkKjRPFrrbwYsSO2&ly%2F80P-GMLVPCY-%2B%2B03Qo%3D&camp_reser=ed-0

From: [Fugh, Justina](#)
To: [Le, Madison](#)
Subject: RE: SES financial disclosure form
Date: Wednesday, June 24, 2020 2:56:00 PM
Attachments: [image001.png](#)

Hi Madison

I'll take a look at your report soon but don't worry about any income from EPA. That's not reportable at all nor is your TSP. As for liabilities, what you do is take a date within the last 30 days and use that as your "pegged" date. If your (b) (6) at that date is not more than \$10K, then you don't report at all. Given what you've indicated, I'm inclined to think that the (b) (6) isn't reportable at all. As for (b) (6) then yes, those are reportable if over \$10K. I'll look over your report and send it back for you to add that. Good for you for doing it so quickly!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Le, Madison
Sent: Wednesday, June 24, 2020 2:44 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: SES financial disclosure form

Justina

Sorry for the multiple emails. I've submitted the entrant form. (see screenshot below).

For the income portion, I did not report the (b) (6) I received last year from EPA nor the (b) (6). If these are required to be reported, I will need to revise/update the report.

For the liability portion:

- I reported (b) (6) but I was a bit unclear if I needed to report this. Also, one of the fields required that I report the year the debt was incurred, but since it has accumulated over the years, I wasn't sure what year to put down, so I selected 2019 and 2018 when I recall doing the (b) (6). If I need to be more accurate, I'll need to call the (b) (6) and figure out the "year" to report.
- I also have (b) (6) but wasn't sure if I needed to report this. If yes, then I'll need to revise/update the report.

Thanks again for your help!

Madison

2

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, June 24, 2020 1:54 PM
To: Le, Madison <Le.Madison@epa.gov>
Subject: FW: SES financial disclosure form

Hi again

You should get started on your report and if you get it to me before 6/29, you won't incur the late fee of \$200. It won't matter how sorrowful your report looks because we can work with you to get it into shape. Just get a creditable effort together and submit it before 6/29, okay? It'll be okay, really!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina
Sent: Wednesday, June 24, 2020 1:51 PM
To: Le, Madison <Le.Madison@epa.gov>
Cc: Engebretson, Lizbeth <Engebretson.Lizbeth@epa.gov>; Gray, Shawna <Gray.Shawna@epa.gov>
Subject: RE: SES financial disclosure form

Hi Madison

I wrote to you on April 7 (see attached) with your instructions. Your report was due 5/29.

Justina

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From: Le, Madison
Sent: Wednesday, June 24, 2020 1:26 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Engebretson, Lizbeth <Engebretson.Lizbeth@epa.gov>; Gray, Shawna <Gray.Shawna@epa.gov>
Subject: SES financial disclosure form

Importance: High

Hi Justina

I'm a new SESer (started in March this year). I'm on today's SES orientation and I heard you discuss the financial disclosure report and that I should have received this in an SES package that included this form. I did fill out a bunch of documents when I started in this position and am requesting confirmation that this form was part of the package (Shawna Gray is copied for this purpose). I don't yet have confirmation but wanted to reach out to you right away in case I've somehow have not met this requirement.

What should I do to confirm that I've submitted this SES financial disclosure report form? Thanks in advance for your help on this.

Madison H. Le
Division Director
Chemical Control Division
USEPA/OCSP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: [Fugh, Justina](#)
To: [Le, Madison](#)
Subject: RE: SES financial disclosure form
Date: Wednesday, June 24, 2020 2:19:00 PM

It's the unspoken rule about EPA ... don't make Justina mad at you!

From: Le, Madison
Sent: Wednesday, June 24, 2020 1:57 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: SES financial disclosure form
Thanks, Justina. I will work on it now!
BTW, your presentation was very informative (and terrifying all at once). I'm sure you've received this feedback before
Madison H. Le
Division Director
Chemical Control Division
USEPA/OCSP/OPPT
Direct: 202-564-5754
Cell: 202-507-3062

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, June 24, 2020 1:54 PM
To: Le, Madison <Le.Madison@epa.gov>
Subject: FW: SES financial disclosure form

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From: Fugh, Justina
Sent: Wednesday, June 24, 2020 1:51 PM
To: Le, Madison <Le.Madison@epa.gov>
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Justina

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From: Le, Madison

Sent: Wednesday, June 24, 2020 1:26 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Engebretson, Lizabeth <Engebretson.Lizabeth@epa.gov>; Gray, Shawna <Gray.Shawna@epa.gov>

Subject: SES financial disclosure form

Importance: High

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What should I do to confirm that I've submitted this SES financial disclosure report form? Thanks in advanced for your help on this.

Madison H. Le

Division Director

Chemical Control Division

USEPA/OCSP/OPPT

Direct: 202-564-5754

Cell: 202-507-3062

From: [Fugh, Justina](#)
To: [Le, Madison](#)
Subject: Your ethics obligations
Date: Tuesday, April 7, 2020 12:14:00 PM
Attachments: [Advisory to all 278 filers about filing fee.pdf](#)
[Hatch Act chart February 2017.docx](#)
[When to Report Transactions on the OGE 278 and Part 7 - May 2019.docx](#)

Hi there,

Even in these extraordinary times, the work of the ethics office continues inexorably. Welcome to the wonderful world of public financial disclosure reporting! I understand that you have been selected to the position of Director, Chemical Control Division, OPPT, OCSPP, which is a career SES position. Congratulations! As a supervisor, you are obliged by [5 CFR § 2638.103](#) to set an example to model ethical behavior for your staff. In addition, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report. And you have additional Hatch Act obligations.

DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from the date your effective date which was 3/15/20. We have granted you a 45 day extension of time, so your report is now due **5/29/20**. If you need additional time, you must contact ethics@epa.gov before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system (www.INTEGRITY.gov) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns.

We created an account for you in INTEGRITY and have assigned you a "new entrant" report. Your filer category is "Career SES" and your filer status is "full-time." For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you don't receive your account notification within three days, then please check your clutter box for messages from INTEGRITY.gov, or contact ethics@epa.gov. There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the SES, you have to file a termination report (so remember to notify us); (4) you will be subject to a late filing fee of \$200 for not filing your report timely. There are also civil and criminal penalties for failure to file at all or for inaccurate reporting.

REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

REPORTING TRANSACTIONS

You are a public financial disclosure filer who is subject to the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see [EPA Ethics Advisory 2012-03](#) and our revised attached chart. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to report way more information than you did on the confidential financial disclosure report.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan.
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but

not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.

- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments, but do not report term life insurance.
- If you have nothing to report in a section, be sure to click the “nothing to report” button.
- Remember to check out the Office of Government Ethics’ [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

OTHER ETHICS REQUIREMENTS FOR YOU

HATCH ACT

As a career SES employee, you are now MORE RESTRICTED under the Hatch Act. You cannot ever work with any partisan political campaign, candidate or election, even in your personal capacity. For example, you can still go down to campaign headquarters to get a sign to put in your own yard, but you can't pick up a second sign to give to your sister or your neighbor. You should familiarize yourself with the Hatch Act as it affects you, and from the EPA intranet, can gain a good overview by reviewing our [online Hatch Act training course](#) or by referring to our attached handy chart that reminds you of your restrictions.

ETHICS TRAINING

As a public financial disclosure filer, you must take one hour of ethics training this year and will be reminded by OGC/Ethics to do so.

If you have any questions regarding this message or your obligations, then please contact me directly or anyone in the OGC Ethics Office at ethics@epa.gov. We'll be happy to assist you.

[Stay safe!](#)

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)¹ and Periodic Transaction Reports (OGE 278-Ts).² Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).³ Unpaid late fees are subject to the Agency's⁴ and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at ethics@epa.gov.

¹ See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

² Pub. L. 112-105 § 11 (STOCK Act).

³ See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

⁴ See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports ⁵	The earlier of 30 days after learning of a transaction or 45 days of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov, to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.⁶

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

⁵ See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

⁶ In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ¹
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" ²	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ³	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

¹ Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

² To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

³ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.

Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
Personal (off premises and off duty)			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day	Yes	Yes	Yes
Drive people to polling station on behalf of a campaign	Yes	Yes	No
Affecting Official Resources			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
Fundraising			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate;
AD = Administratively Determined; SES = Senior Executive Service